

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 13, 2000

DIVISION ONE

B144868 Elbitar
v.
San Gabriel Valley Medical Center et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed October 18, 2000) dismissed.

B134315 People (Not for Publication)
v.
Esparza & Rodriguez

We affirm the judgments.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B134546 Swartz et al. (Not for Publication)
v.
Schwimmer

We affirm the summary judgment. Defendant is awarded his costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

DIVISION ONE (Continued)

B130819 Wohl (Not for Publication)
v.
Heuer

We affirm the order granting Wohl a new trial on his malicious prosecution claim. We also affirm the judgment for Wohl on his abuse of process claim. Wohl is entitled to costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B125223 St. Clair (Not for Publication)
v.
Minet, Inc., et al.

We affirm the judgment. Minet is entitled to its costs on appeal.

Ortega, Acting P.J.

I concur: Vogel (Miriam A.), J.
I dissent: Mallano, J. (Opinion)

DIVISION TWO

B133727 H. Rauvel, Inc. (Not for Publication)
v.
U.X. Xpress, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

November 13, 2000-Continued

DIVISION TWO (Continued)

B137348 Caffery (Not for Publication)
v.
Bodensieck

The appeal is dismissed. Costs on appeal are awarded to respondent.

Boren, P.J.

We concur: Nott, J.
 Cooper, J.

B137246 County of Los Angeles (Not for Publication)
v.
Rada

The appeal is dismissed for lack of jurisdiction. Costs on appeal are awarded to respondent.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B132345 People v. Cassidy
B136455 People v. Maple
B129863 People v. Angulo
B134600 People v. Urias
B143394 Mary C. v. S.C.L.A.
B143511 Stephanie M. v. S.C.L.A.
B138951 Children and Family Services v. Lanna R.
B139824 Children and Family Services v. Frank E.

DIVISION THREE (Continued)

Each of the following (continued):

B137442 Children and Family Services v. Walter F.
B137456 Children and Family Services v. Gwendolyn G.
B140441 Children and Family Services v. Patrick C., et al.
B139185 Children and Family Services v. Tammy C.
B137021 People v. Grayson
B134661 People v. Garcia
B139222 People v. Rodriguez
B131042 People v. Garcia
B134591 People v. Dodd
B135627 People v. Hartfield
B140305 People v. Cooley
B136234 People v. Evans
B137103 Children and Family Services v. Amy N.

Argument waived, cause submitted.

B136819 Human Services Agency
v.
Victor C., et al.

Merits:

Argued by Victor C., appellant in propria persona and by Joseph J. Randazzo, deputy county counsel, for respondent. Cause submitted.

B122910 Tabah
v.
Countrywide Funding Corporation et al.

Merits:

Argued by Theodore S. Tabah for appellant and by Mel Aranoff and John C. Brown, Jr. for respondents. Cause submitted.

DIVISION THREE (Continued)

B135439 Carole Ring & Associates
 v.
 Nicastro

Merits:
Argued by Michael J. Lancaster for appellant and by Daniel J. Doonan for respondent. Cause submitted.

B138287 Petrosyan et al.
 v.
 State Board of Equalization

Merits:
Argued by Ralph W. Boshes for appellants and by Marla K. Markman, deputy attorney general, for respondent. Cause submitted.

B137512 People
 v.
 Angulo

Merits:
Argued by Corey J. Robins, deputy attorney general, for respondent and by Victor Sherman for appellant. Cause submitted.

B132021 Belasco et al.
 v.
 Glickman et al.

Merits:
Argued by Charlotte E. Costan for appellant and by Roy Weatherup for respondents. Cause submitted.

Court recessed at 11:45 A.M.

DIVISION THREE (Continued)

Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B133130 Carroll
 v.
 California State University, Northridge

Merits:

Argued by Neil C. Evans for appellant and by Jung D. Shin, deputy attorney general, for respondent. Supplemental record to be filed by the appellant. Submission deferred.

B133512 Estate of Mildred I. Dean et al.
 v.
 Dillaha

Merits:

Argued by Robert L. Kern for appellants and by Keith S. Walker for respondents. Cause submitted.

B138219 People
 v.
 King

Merits:

Argued by Carol S. Boyk for appellant and by Michelle M. Paffile, deputy attorney general for respondent. Supplemental brief due by appellant on December 13, 2000, response due by respondent on January 16, 2001. Submission deferred.

B136486 All-Tex, Inc.
 v.
 Touch Up, Inc.

Merits:

Argued by John D. Hanover for appellant and by Courtney J. McQuien for respondent. Cause submitted.

DIVISION THREE (Continued)

B131770 Lechuza Villas West
v.
California Coastal Commission State of California et al.

Merits:
Argued by Terence M. Sternberg and Joseph Barbieri, deputy attorney general, for appellants and by Fred N. Gaines for respondent. Cause submitted.

Court adjourned at 3:30 P.M.

DIVISION FOUR

B141211 Cleo William Payne, Jr. (Not for Publication)
v.
Superior Court, Los Angeles County
(WGBH Educational Foundation et al., r.p.i.)

Let a peremptory writ of mandate issue directing respondent to vacate its order of March 31, 2000, and to order the case reclassified and retransferred to it for all further proceedings. This court's order staying all limited jurisdiction proceedings in the action (except the retransfer of the case to the superior court) shall remain in effect.

Pursuant to California Rules of Court, rule 56.4, costs are awarded to plaintiff.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FOUR (Continued)

B132022 Fernando Albert Zamacona (Not for Publication)
 v.
 Costco Companies, Inc., et al.

The judgment is reversed as to punitive damages, and is otherwise affirmed.
Each side is to bear its own costs.

Epstein, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION SIX

B139145 People (Not for Publication)
 v.
 Vasquez

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B139034 People (Not for Publication)
 v.
 Karp

We remand to the trial court for resentencing to comply with section 1170.1, subdivision(g). Following resentencing, the abstract of judgment should reflect imposition of the restitution fine (Sec. 1202.4, subd. (b)) and direct victim restitution, as previously ordered by the trial court. The parole revocation fine (Sec. 1202.45) is stricken, pursuant to section 1260.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B135365 People (Not for Publication)
v.
Castillo

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B139956	Santa Barbara County Child Protective Services v. Christie D. In re Chelsie C.	(Not for Publication)
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The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B141216 Selby (Not for Publication)
v.
County of Santa Barbara

The judgment (order of dismissal) is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B134757 Vollowitz (Not for Publication)
v.
Vollowitz

That portion of the judgment which provides: "The foregoing spousal support order is subject to modification by reduction only and shall not be increased[,]" is reversed. In all other respects, the judgment is affirmed. Costs to wife.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B140797 San Luis Obispo County Dept. of Social Services (Not for Publication)
v.
Lee Ann F.-E.
In re Nicole F.-B.

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B140699 People (Not for Publication)
v.
Luis P.

We remand to the juvenile court for an express declaration pursuant to section 702, but otherwise affirm.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SIX (Continued)

B132659 Litzsinger (Not for Publication)
v.
Hassenflug

The orders are affirmed. The Litzsingers shall bear costs on appeal.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B124694 People
v.
Rykschroeff

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B129830 Martinez (Not for Publication)
v.
Hanjin International Corporation

The judgment is affirmed. Each party to bear their own costs.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

November 13, 2000-Continued

DIVISION SEVEN (Continued)

B138679

People

V.

Greene

(Not for Publication)

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.